

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHIKEB SADDIOZAI,  
Plaintiff,

v.

RON DAVIS, et al.,  
Defendants.

Case No. 18-05558 BLF (PR)

**ORDER DENYING PLAINTIFF'S  
SECOND MOTION FOR  
APPOINTMENT OF COUNSEL**

(Docket No. 11)

On September 11, 2018, Plaintiff, a state prisoner, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, and a motion for appointment of counsel. (Docket Nos. 1, 4.) On January 16, 2019, the Court dismissed the complaint with leave to amend and denied the motion for appointment of counsel. (Docket No. 7.) Plaintiff has filed a second motion for appointment of counsel. (Docket No. 11.) Plaintiff states that should the court deny the motion, he requests “a brief recital as to why the motion should not be granted.” (*Id.*)

Plaintiff was previously informed that the decision to request counsel to represent an indigent litigant under § 1915 is within the sound discretion of the trial court and is granted only in exceptional circumstances. (Docket No. 7 at 3-5.) Plaintiff’s arguments that the complexity of the case, his limited access to library and knowledge of the law, and


1 that he would be better served by the assistance of counsel should this matter go to trial,  
2 are the same reasons that he presented in the previous motion for appointment of counsel  
3 which this court denied. (Docket Nos. 4, 7.) Plaintiff's lack of legal knowledge is not an  
4 exceptional circumstance because he is in the same position as any other *pro se* litigant.  
5 Prison law libraries contain resources for *pro se* litigants to assist them in prosecution of  
6 their cases. (*See e.g.*, "Representing Yourself in Federal Court: A Handbook for Pro Se  
7 Litigants".) Further, Plaintiff has adequately litigated this action to date by filing an  
8 amended complaint in compliance with the Court's February 13, 2019 Order.

9 Accordingly, Plaintiff's motion is **DENIED**. This denial is without prejudice to the  
10 Court's *sua sponte* appointment of counsel at a future date should the circumstances of this  
11 case warrant such appointment.

12 This order terminates Docket No. 11.

13 **IT IS SO ORDERED.**

14 Dated: February 26, 2019

  
BETH LABSON FREEMAN  
United States District Judge